

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35912 of 2023

Applicant :- Brijraj Singh @ Brijesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Hemendra Pratap Singh, Anshu Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan, J.

1. Learned A.G.A. submits that instructions have been received and he has no objection in case the bail application is heard on merits.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. It is submitted by learned counsel for the applicant that earlier the applicant was enlarged on bail on 26.8.2009. Thereafter, the applicant could not appear before the court concerned from 2013 to 2023. The applicant is a labour and the absence of the applicant is solely on the ground of that the applicant went Ahmedabad for his livelihood and as such could not appear before the court concerned. The applicant undertakes to appear before the court concerned on each date fixed, unless specifically exempted by the court concerned. Learned counsel for the applicant submits that the applicant is ready to give two sureties of Rs.50,000/- each. Applicant is languishing in jail since 15.6.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

4. Learned A.G.A. for the State opposed the prayer for bail but does not dispute factual matrix of the case.

5. Considering the facts and circumstances of the case, nature of offence, undertaking and submissions of learned counsel for the Applicant and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

6. Let the applicant **Brijraj Singh @ Brijesh** involved in Case Crime No.176 of 2009, under Sections 2/3 Gangsters and Anti

Social Activities (Prevention) Act, 1986, Police Station Gonda, District Aligarh be released on bail on furnishing a personal bond and two sureties of Rs.50,000/- each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- i. The applicant will not tamper with the evidence during the trial.
 - ii. The applicant will not pressurize/intimidate the prosecution witness.
 - iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted and/or the applicant shall make himself available for interrogation by a police officer as and when required.
 - iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
 - v. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
 - vi. The applicant shall not leave India without the previous permission of the Court.
 - vii. In the event, the applicant changes his residential address, the applicant shall inform the court concerned about new residential address in writing.
 - viii. In case, the applicant fails to appear before the trial court on any date fixed, the trial court shall be at liberty to take coercive measure against the applicant.
7. In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.10.2023

Bhaskar